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In re Application of	:	
BEAUDRY et al.	:	
Application No.: 10/509,869	:	DECISION ON
PCT No.: PCT/CA02/01066	:	
Int. Filing Date: 16 July 2002	:	PETITION UNDER
Priority Date: 16 July 2001	:	
Attorney Docket No.: 9-15186-21US	:	37 CFR 1.137(b)
For: MULTI-WAVELENGTH IMAGING OF	:	
HIGHLY TURBID MEDIA	:	

This decision is in response to applicants' submission filed 01 October 2004.

#### **BACKGROUND**

On 16 July 2002, applicants filed international application PCT/CA02/01066 which designated the U.S. and claimed a priority date of 16 July 2001. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 30 January 2003. The thirty-month period for paying the basic national fee in the United States expired at midnight on 16 January 2004.

On 01 October 2004, applicants filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the basic national fee, a declaration of inventors, the surcharge under 37 CFR 1.492(e) for providing the declaration later than thirty months from the priority date, and a "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

#### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:

- (1) The required reply;
- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee on 01 October 2004.

As to item (2), applicant submitted the petition fee on 01 October 2004.

As to item (3), the required statement has been provided.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

The declaration of inventors filed 01 October 2004 is not in compliance with 37 CFR 1.497(a)-(b) since it is not signed by all of the applicants.

**CONCLUSION**

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b).



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